

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

**MAURICE ALLEN**

Plaintiff

vs.

**DEERFIELD MFG. INC.,  
A SUBSIDIARY OF  
ICE INDUSTRIES**

Defendant

**CASE NO.** 1:02cv492

Judge Spiegel

Magistrate Judge Hogan

**PLAINTIFF'S MOTION FOR  
ONE-DAY EXTENSION OF TIME  
TO FILE OBJECTIONS TO  
REPORT AND  
RECOMMENDATION**

Now comes Plaintiff, and for the reasons set forth in the attached memorandum, requests an extension of one day to file objections to the Report and Recommendation issued on September 28, 2005.

Respectfully submitted,

s/ David Torchia  
David Torchia -- 0015962  
Tobias, Kraus & Torchia  
911 Mercantile Library Bldg.  
414 Walnut Street  
Cincinnati, Ohio 45202  
(513) 241-8137  
Attorney for Plaintiff  
davet@tktlaw.com

**MEMORANDUM**

The Magistrate's Report and Recommendation was filed on September 28, 2005. Pursuant to Fed. R. Civ. Pro. 6 (a), objections are due October 13, 2005 because intermediate Saturdays, Sundays and legal holidays (Columbus Day) are excluded.

Plaintiff wants to file objections to the lengthy and comprehensive Report and Recommendation. However, due to short time allowed for filing objections and the press of other scheduled matters and intervening deadlines, counsel needs an extension of one day to do so. Accordingly, Plaintiff requests that the time for filing objections be extended until October 14, 2005.

Respectfully submitted,

s/ David Torchia  
David Torchia -- 0015962  
Tobias, Kraus & Torchia  
911 Mercantile Library Bldg.  
414 Walnut Street  
Cincinnati, Ohio 45202  
(513) 241-8137  
Attorney for Plaintiff  
davet@tktlaw.com

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document has been filed electronically and will be served by the court's EFC system upon Renisa A. Dorner, Wise & Dorner, Ltd., 151 N. Michigan Street, Suite 333, Toledo, Ohio 43604 on October, 12, 2005.

s/ David Torchia

David Torchia -- 0015962